

IN THE HIGH COURT OF JUDICATURE AT PATNA
Cr.Misc. No.43322 of 2008
ASHUTOSH KUMAR CHOUDHARY
Versus
THE STATE OF BIHAR

4. 22.12.2008 Heard Dr. Sanjay Kumar Singh, Advocate for the petitioner and Sri D. Mehta, APP for the State.

The case is under Section 394 of the IPC and the petitioner is named in the FIR. The case relates to the snatching of a mobile set while the criminals were also attempting to search for other properties on or around the person of the informant. The theft was committed at the gun point.

The dicky of the motor cycle, which was abandoned by the criminals there, was found containing an admission card and a mark sheet. The informant has very clearly stated that after looking to the photograph, which was pasted on the admission card, he found that one of the criminals was named Ashutosh Kumar, i.e., this petitioner.

The contention is that it could not be a sufficient evidence of identification. The next contention is that there was no evidence as to why this petitioner could be committing the offence.

As may appear from the very fardbeyan, the informant has stated that only by looking to the photograph pasted on the admission card he could find that one of the criminals was the same, who was named Ashutosh Kumar and whose photograph was appearing on the admission card. Thus, the identification appears satisfactory. As regards the intent for commission of the offence, some offences by themselves are intent or motive for committing an offence. Offence of dacoity or robbery falls in the category of such offences.

The petition is dismissed.

DKS/

(Dharnidhar Jha, J.)

